

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Tyler P. Wiss, et al.,

Case No. 22-cv-2047 (JWB/LIB)

Plaintiffs,

v.

ORDER

Cole Lipinski, et al.,

Defendants.

This matter comes before the undersigned United States Magistrate Judge upon the routine supervision of the cases that pend before the Court, pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636.

More than 90 days have passed since Plaintiffs filed their Second Amended Complaint, and Plaintiffs have not provided proof that they have served a summons and a copy of the Second Amended Complaint on Defendant Alex Oachs. The Federal Rules of Civil Procedure require a plaintiff to demonstrate proof of service “within 90 days after the complaint is filed, [or] the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m).

Therefore, pursuant to the provisions of Rule 4(m), **IT IS HEREBY ORDERED THAT:**

1. Within twenty (20) days after the date of the present Order, Plaintiffs shall provide proof of service or demonstrate good cause for an extension of time to serve Defendant Oachs; and

2. If Plaintiffs fail to comply with the above directive, the undersigned will recommend that this action as alleged against Defendant Oachs be dismissed for failure to effect proper service and failure to prosecute.

Dated: October 18, 2023

s/ Leo I. Brisbois
Hon. Leo I. Brisbois
U.S. MAGISTRATE JUDGE